

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JAMES COFFMAN
PETITIONER

v.

CIVIL ACTION
NO. 04-10788-MEL

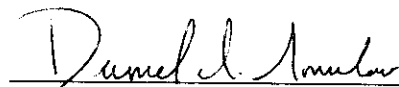
DAVID NOLAN
RESPONDENT

**RESPONDENT'S MOTION TO DISMISS
PETITION FOR WRIT OF HABEAS CORPUS**

The respondent, David Nolan, hereby moves this Honorable Court to dismiss the Petition for Writ of Habeas Corpus filed by the petitioner, James Coffman. As grounds, the respondent states the petitioner has not exhausted his state remedies, as evidenced by his appeal that is currently pending in the Massachusetts Appeals Court, see 28 U.S.C. §§ 2254(b)(1)(A), 2254(c), and the petitioner does not allege that he is in custody in violation of the United States Constitution or laws or treaties of the United States. See 28 U.S.C. § 2254(a). The respondent relies upon the accompanying memorandum of law in support of his motion.

Respectfully submitted,

THOMAS F. REILLY
Attorney General

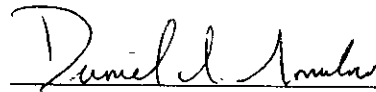


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Assistant Attorney General
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(617) 727-2200, ext. 2949

Date: May 14, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on James Coffman, pro se, M.C.I. Cedar Junction, P.O. Box 100, South Walpole, MA 02071, by first class mail, postage prepaid, on May 14, 2004.



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